IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MUSKIE PROPPANT LLC, **Plaintiff,** **v.** **BELLA LOGISTICS, LLC,** **Defendant.**	**CIVIL ACTION NO.5:16-cv-00580**

AGREED JUDGMENT FOR ATTORNEYS' FEES

NOW on this 21st day of December, 2016, the above referenced case comes before the Court on the Agreed Motion for Award Attorney's Fees filed on December 20, 2016, at Dkt. No. 24 ("Agreed Judgment") submitted by Plaintiff, Muskie Proppant, LLC ("Muskie"), and Defendant, Bella Logistics, LLC ("Bella") (collectively referred to as the "Parties"). The Court, having reviewed the case file and pleadings herein, and being advised that the Parties agree to the relief provided for in this Agreed Judgment **FINDS AS FOLLOWS:**

1. Muskie filed its Complaint against Bella on June 21, 2015 asserting causes of action for account stated, breach of contract, and unjust enrichment. [Dkt. No. 1].

2. On December 6, 2016, the Court entered a Judgment in favor of Muskie and against Bella, and ordered Bella to pay Muskie: (1) a principal amount of $1,378,281.54 for the debt owed, (2) pre-and post-judgment interest on the principal, and (3) Muskie's reasonable attorneys' fees, in an amount to be determined upon separate application. [Dkt. No. 23].

3. This is an action arising out of Bella's failure to pay Muskie for natural sand proppants that it sold to Bella from May 2015 to October 2015. Muskie delivered product to Bella at one or more locations in Texas as specified by Bella, and Bella agreed to pay Muskie for

the manufacture and delivery of the product that it purchased upon receipt of an invoice. Muskie fully performed its obligations in delivering the product to Bella at its request, but Bella failed and refused to pay for that product.

4. This action was governed by Texas law. Pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 38.001, "[a] person may recover reasonable attorney's fees from an individual or corporation, in addition to the amount of a valid claim and costs, if the claim is for: … (3) furnished material; … or (8) an oral or written contract." Accordingly, Muskie is entitled to an award of reasonable attorneys' fees.

5. The Parties have agreed that Muskie is entitled to recover $19,306.80 for attorneys' fees incurred during the course of this case pursuant to the foregoing authority.

6. The attorneys involved in the representation of Muskie are well-qualified by education and experience and the total fees awarded to Muskie are reasonable under the facts and circumstances of this case.

7. The Court finds that the Parties' Agreed Motion should be granted and that Muskie is entitled to an award of attorneys' fees in the amount of Nineteen Thousand Three Hundred-Six Dollars and Eighty Cents ($19,306.80).

IT IS THEREFORE ORDERED, ADJUDGED AND AGREED that the Agreed Motion is hereby GRANTED.

IT IS FURTHER IT IS THEREFORE ORDERED, ADJUDGED AND AGREED that Plaintiff, Muskie Proppant LLC shall have judgment against Defendant, Bella Logistics, LLC in the amount of Nineteen Thousand Three Hundred-Six Dollars and Eighty Cents ($19,306.80) for attorneys' fees incurred by Muskie in conjunction with this case.

Execution on this Agreed Judgment shall issue in any manner provided by law.

DAVID EZRA
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

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